

## **PILOT PROGRAM INSTRUCTIONS FOR FILING UNDER SEAL DOCUMENTS**

### **IF YOU ARE REQUESTING TO SEAL DOCUMENTS ONLY, BUT NOT THE APPLICATION AND ORDER:**

1. Electronically file the application to seal and the declaration giving notice or a proof of service.
2. Attach a proposed order to the electronically filed application (standard procedure for filing application with a proposed order).
3. Indicate in the proposed order which of the three following actions will be taken if the application is denied:
  - (1) Counsel will publicly file the document(s) for consideration by the Court;
  - (2) Counsel will retrieve the chambers copy of the document(s); or
  - (3) Clerk will destroy the chambers copy of the document(s).
4. After electronically filing the application and proof of service, send an email to [JLS\\_chambers@cacd.uscourts.gov](mailto:JLS_chambers@cacd.uscourts.gov) with an attachment containing (1) an Adobe PDF version of the application to seal and declaration giving notice or a proof of service; (2) a Word or WP version of the proposed order (including the proposed action to be taken if the application is denied (see 3., above)); and (3) an Adobe PDF of the document(s) to be filed under seal with a caption page clearly marked "UNDER SEAL." The subject line of the e-mail should have the case number, plus the words "UNDER SEAL REQUEST".

### **IF YOU ARE REQUESTING TO SEAL THE APPLICATION, ORDER AND DOCUMENT(S):**

1. Electronically file a NOTICE OF MANUAL FILING indicating that the following have been submitted to the Court: (1) an application to seal; (2) a declaration giving notice or a proof of service; (3) a proposed order; and (4) the documents to be placed under seal.
2. Send an email to the chambers email at [JLS\\_chambers@cacd.uscourts.gov](mailto:JLS_chambers@cacd.uscourts.gov) with an attachment containing (1) an Adobe PDF version of the application to seal and declaration giving notice or a proof of service; (2) a Word or WP version of the proposed order, including the proposed action to be taken if the application is denied (see 3., above); and (3) an Adobe PDF of the document(s) to be filed under seal with a caption page, clearly marked "UNDER SEAL." The subject line of the email should have the case number, plus the words "UNDER SEAL REQUEST".

#### **OTHER IMPORTANT INFORMATION REGARDING APPLICATIONS TO FILE UNDER SEAL:**

The title of the pleading will be placed on the public docket entry. For example: "Declaration of John Doe, Exhibit A." If approved, the document itself will be sealed and not viewable by the public, but the entry (title) will be viewable.

There is a strong presumption that the public has a right of access to records in civil cases. The existence of a Protective Order issued by the assigned Magistrate Judge relating to the treatment of documents produced during discovery does not constitute a court order permitting an under seal filing. For non-dispositive motions, the party seeking to maintain the confidentiality of the document(s) or portions thereof must show good cause. For dispositive motions, the party seeking protection must articulate compelling reasons for maintaining the confidentiality of the document(s) and must seek relief that is narrowly tailored to the protected interest. *See Pintos v. Pacific Creditors Ass'n*, 605 F.3d 665, 677-79 (9th Cir. 2010). Reliance upon the parties' designation of documents as "Confidential" or "Highly Confidential" or "Attorneys' Eyes Only" is insufficient. Rather, the party must provide competent evidence to support any application. **No document will be filed under seal in its entirety unless it is shown in the application that it is not feasible to file a redacted version for public viewing.** Any proposed redactions **must be highlighted** in the under seal version of the document so that the Court may readily determine what information the party or parties seek to maintain as confidential.

The inclusion of clearly meritless requests to seal or redact documents may result in the complete rejection of an application to seal.